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U.S. Department of Homeland Security
20 Massachusetts Ave., NW, Rm. 3000
Washington, DC 20539



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

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FILE:

MSC-05-239-14150

Office: ATLANTA

Date:

JUL 28 2008

IN RE:

Applicant:

APPLICATION:

Application for Status as a Temporary Resident pursuant to Section 245A of the
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. You no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case. If your appeal was sustained or remanded for further action, you will be contacted.

for *Michael T. Kelly*
Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status pursuant to the terms of the settlement agreements reached in *Catholic Social Services, Inc., et al., v. Ridge, et al.*, CIV. NO. S-86-1343-LKK (E.D. Cal) January 23, 2004, and *Felicity Mary Newman, et al., v. United States Immigration and Citizenship Services, et al.*, CIV. NO. 87-4757-WDK (C.D. Cal) February 17, 2004 (CSS/Newman Settlement Agreements), was denied by the District Director, Atlanta. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet, on May 27, 2005 (together, the I-687 Application). The director determined that the applicant had not established by a preponderance of the evidence that she had continuously resided in the United States in an unlawful status for the duration of the requisite period. The director denied the application as the applicant had not met her burden of proof and was, therefore, not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements.

On appeal, counsel submitted a timely Form I-694 Notice of Appeal of Decision Under Section 210 or 245A and stated that she would submit a certified copy of the applicant's passport within 90 calendar days. On the Form I-694, counsel states that the applicant previously had her passport renewed and that a "request has been submitted to the Cameroonian Department of National Surety to obtain a certified copy of [the applicant's] old passport showing her initial entry(ies) into the United States" as well as her departures and subsequent re-entries. On October 3, 2007, the AAO sent counsel a facsimile regarding the absence of the aforesaid appellate material. On October 12, 2007, the AAO received a response by U.S. Postal Service from counsel stating that the applicant "has not yet received a certified copy of her old passport from Cameroon." Counsel also included a photograph of the applicant and stated that the photograph was taken in June 1981 in Florida. The date and place that the photograph were taken are unverifiable and at most might provide evidence that the applicant was in Florida on one day in June 1981. As of this date, the AAO has not received any additional evidence from counsel or the applicant. Therefore, the record is complete.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant fails to specify how the director made any erroneous conclusion of law or statement of fact in denying the application. Nor has she specifically addressed the basis for denial. As the applicant presents no additional evidence on appeal to overcome the decision of the director, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(3)(iv).

ORDER: The appeal is summarily dismissed. This decision constitutes a final notice of ineligibility.